

ESTTA Tracking number: **ESTTA125741**Filing date: **02/20/2007**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**Notice of Opposition**

Notice is hereby given that the following party opposes registration of the indicated application.

Opposer Information

Name	Swinger International S.p.A.
Granted to Date of previous extension	03/07/2007
Address	Via Festara Vecchia, 44 Bussolengo (Verona), 37012 ITALY
Attorney information	Angelo Notaro Notaro & Michalos P.C. 100 Dutch Hill Road, Suite 110 Orangeburg, NY 10962 UNITED STATES anotaro@notaromichalos.com Phone:(845) 359-7700

Applicant Information

Application No	78831113	Publication date	11/07/2006
Opposition Filing Date	02/20/2007	Opposition Period Ends	03/07/2007
Applicant	Cheng, Tsz Wai (Gordon) No. 15 250 Mulberry Street New York, NY 10012 UNITED STATES		

Goods/Services Affected by Opposition

Class 025. First Use: 2005/09/01 First Use In Commerce: 2006/01/01

All goods and services in the class are opposed, namely: Bathrobes; Beachwear; Belts (garments); Blouses; Body suits; Booties; Boots; Bottoms; Boxer shorts; Caps; Cardigans; Coats; Coats of denim; Coveralls; Creepers; Denim jackets; Denims; Dresses; Footwear; Gloves; Hats; Infant and toddler one piece clothing; Jackets; Jeans; Jogging suits; Jumpers; Jumpsuits; Knit shirts; Loungewear; Night shirts; Overalls; Pajamas; Pants; Parts of clothing, namely, gussets for tights, gussets for stockings, gussets for bathing suits, gussets for underwear, gussets for leotards and gussets for footlets; Rain coats; Sandals; Shirts; Shoes; Shorts; Skirts; Slacks; Sleepwear; Slippers; Socks; Sweat pants; Sweat shirts; Sweat shorts; Sweat suits; Sweaters; Swimsuits; T-shirts; Tank tops; Tops; Undershirts; Underwear; Vests

Attachments	G96-176.pdf (3 pages)(287201 bytes)
Signature	/G96-176-AN/
Name	Angelo Notaro
Date	02/20/2007

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NOTICE OF OPPOSITION

1. Opposer is the owner of United States Trademark Registration No. 1,122,426 which was registered on the Principal Register on July 17, 1979 for the trademark BYBLOS for jackets, trench coats, overcoats, shirts, skirts, pants, T-shirts, belts, scarves and

kerchiefs.

2. U.S. Trademark Registration No. 1,222,426 was based on an application filed in the U.S. Patent and Trademark Office on June 3, 1979, which is a date prior to the date of filing of Applicant's application (and prior to the date of Applicant's claimed date of first use).

3. The registered mark of Opposer is valid and subsisting and is conclusive evidence of Opposer's exclusive right to use said mark in commerce on the goods specified in U.S. Trademark Registration No. 1,222,426.

4. Opposer has been, and is now, using the trademark and trade name BYBLOS in connection with the sale of clothing and apparel including dresses, trousers, jackets, tops, shirts, T-shirts, skirts, bustiers, coats and waistcoats since a date prior to Applicant's claimed date of first use.

5. Opposer's use of the trademark and trade name BYBLOS has been continuous since the date of first use and has not been abandoned.

6. The trademark and trade name BYBLOS of Opposer is symbolic of extensive goodwill and consumer recognition built up by Opposer through substantial amounts of time and effort.

7. Applicant seeks to register the mark BYBLE and Design for "Bathrobes; Beachwear; Belts (garments); Blouses; Body suits; Booties; Boots; Bottoms; Boxer shorts; Caps; Cardigans; Coats; Coats of denim; Coveralls; Creepers; Denim jackets; Denims; Dresses; Footwear; Gloves; Hats; Infant and toddler one piece clothing; Jackets; Jeans; Jogging suits; Jumpers; Jumpsuits; Knit shirts; Loungewear; Night shirts; Overalls; Pajamas; Pants; Parts of clothing, namely, gussets for tights, gussets for stockings,

gussets for bathing suits, gussets for underwear, gussets for leotards and gussets for footlets; Rain coats; Sandals; Shirts; Shoes; Shorts; Skirts; Slacks; Sleepwear; Slippers; Socks; Sweat pants; Sweat shirts; Sweat shorts; Sweat suits; Sweaters; Swimsuits; T-shirts; Tank tops; Tops; Undershirts; Underwear; Vests.”

8. In view of the similarity of the respective marks and goods of the respective parties are the same, similar or related, , it is alleged that Applicant’s mark so resembles Opposer’s trademark and trade name, as to be likely to cause confusion, or to cause mistake, or to deceive.

9. For the foregoing reasons, Applicant is not entitled to registration of Applicant’s mark and is not entitled to the exclusive use thereof.

WHEREFORE, Opposer, by its attorney, respectfully requests that its opposition be sustained and that the Application be denied.

Respectfully submitted,

NOTARO & MICHALOS P.C.
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